

IMPACTING AGENCY PERFORMANCE THROUGH
A PROFESSIONAL STANDARDS UNIT

Article

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This Command College project is a FUTURES study of a particular emerging issue in law enforcement. Its purpose is NOT to predict the future, but rather to project a number of possible scenarios for strategic planning consideration.

Defining the future differs from analyzing the past because the future has not yet happened. In this project, useful alternatives have been formulated systematically so that the planner can respond to a range of possible future environments.

Managing the future means influencing the future, creating it, constraining it, adapting to it. A futures study points the way.

The views and conclusions expressed in the Command College project are those of the author and are not necessarily those of the Commission on Peace Officer Standards and Training (POST).

For reasons that are both complimentary and damning, the 1990s were the decade of the cop. It would be difficult to find a time when the behavior of the police, in all of its variations, saturated the mind of the public so completely and made law enforcement the object of so much analysis. Major corruption scandals in cities like New Orleans, New York and Los Angeles and questionable tactical decisions at places like Ruby Ridge and Waco concentrated the public's attention on law enforcement as never before. Law enforcement performance became the topic of highlight programs on television, news documentaries, special audits and federal intervention.

As internal and external examinations of these incidents proceeded, it became apparent that much of the raw material of the dysfunction was rooted in the comparatively simple inquiries that all organizations must make to be effective: Who are we? What do we do? How do we know we are doing it well? Since police are in the business of providing a service called public safety, police agencies can not only measure the important attributes of that service and make changes to more effectively meet its service requirements. They can establish auditing units to review and improve those attributed as a regular behavior, not just a response to scandal.

Although singular in its mission, law enforcement shares more organizational characteristics with non-police organizations than it would like to admit. The first sentence in Leo Tolstoy's novel, *Anna Karenina*, is one of the most well known openings in literature: "All happy families are happy in the same way. All unhappy families are unhappy in different ways." To paraphrase: All well run organizations are well run in the same way. All poorly run organizations are poorly run in different ways. Well-run organizations measure performance against standards and understand that improvement is an organizational euphemism for preventing losses and making the organization a success. For police agencies, performance appraisal in the form of Internal Affairs units and lawsuits is and will continue to be expensive

medicine for an illness that may be more effectively addressed by identifying the causal factors. The major law enforcement scandals of the 1990s had continuity: a failure to understand, examine and correct the important behaviors that drive organizational failure.

The topic of this article offers a prescription for the ills of the 1990s. Professional Standards Units are internal auditing units dedicated to examining all aspects of agency performance against legal mandates, industry benchmarks and best practices inside and outside of law enforcement. With proper resources and organizational support, these units operate as inside consultants with the mandate to analyze current practice and make recommendations to more effectively meet service requirements.

Assessing the Environment

Knowing what business you are in and measuring performance keeps the mission in front of the organization and breeds a culture of aggressive improvement. Law enforcement often prides itself on aggressive or assertive stances against crime. That's fine. Yet, day-to-day performance problems are often viewed as separate and distinct incidents, unrelated to problems occurring in other parts of the organization. They are not often viewed as precursors of larger behaviors within the organization. Nor are they defined or examined in view of existing cultural norms. Peter Senge, in his book on learning organizations, The Fifth Discipline, addresses the results of this dichotomy: "Today, the primary threat to our survival, both our organizations and our societies, come not from sudden events, but from slow gradual processes." Senge's admonition came to life in Los Angeles.

In the Los Angeles Police Department's Board of Inquiry into the Rampart Incident, the systemic behavior of organizations is written in bold letters by that department's own internal

audit. That audit offers the following synopsis on auditing performance in terms of systemic behavior:

Pursuits, injuries resulting from uses of force, officer-involved shootings and personnel complaints had a clearly identifiable pattern. The same officers appear all too frequently in these critical risk-management events and the number of supervisors involved was extremely noticeable. Yet, no one seems to have noticed and, more importantly, dealt with the patterns. Several officers whose names appeared were disciplined during this period, yet went right out and did the same things again. The supervisory and tactical criticisms arising from the officer-involved shootings alone should have focused management attention on these patterns. But that did not occur.

An audit implies a measurement against a standard. In Program Planning and Evaluation for the Public Sector Manager, the author's state, "The question of how we are doing expresses the need to make comparisons to similar programs, professional standards or the quality or performing standards the agency sets for itself." The question of how we are doing questions the responsibility of the organization and the rights of those outside the organization who receive the service. It is therefore both a need and an obligation.

Because policing occasionally appears to function as a kind of monopoly, it projects a logic that has market-like attributes and mandates. The public can move if they do not like the standard of service. This is the "get another vendor if you don't like it" approach. Jurisdictions can merge or be taken over by larger jurisdictions if they cannot meet the market costs. This is often seen as the Darwinist, survival of the fittest alternative. Both approaches imply that changes in the police/public relationship lies with the public and not with the agency. It is also a questionable definition of change. Outside changes may occur, but agency's performance may remain the same. Questions of performance standards remain for the agency to deal with in a measured logical way or for an outside entity to perform the task and set the standard. The recent past has shown us that there are concerned, outside stakeholders who relish the

opportunity and who are tuned into every nuance of police performance. Professional Standards Units breed credibility as the means of exchange between the police and public. Without it, the cooperation that lubricates the day-to-day interaction of the police and the public would be imperiled. Bennis and Nanus, in their book Leaders, state, "Credibility is the resource that is always at a premium and one that can be enhanced or lost in an instant." One of the best ways not to lose credibility is to make sure that we know what is important and how we are doing.

Auditing and Agency Image

Police organizations exist in a dynamic state, subject to the stresses and impacts of the public they serve. Within this dynamic state, Professional Standards Units can assist the agency by assessing the environment and providing outside examples that can assist refine the agency's notion of itself. The physical sciences provide phrase, critical mass, which is often used as a slang reference in police work but really can serve to explain the urgency of adopting processes that improve performance.

Critical mass in physics is defined as the minimum amount of energy needed to bring about maximum change. It can be argued that policing is always at critical mass, with poor performance acting to transform the organization into a state that is difficult to control. When this happens, damage control is often the first response. While entirely valid as a means to buy time and reassess the situation, it is not a substitute for the measured and reasonable precautions that organizations can and should implement to improve the performance and mitigate the effects of those critical mass incidents.

Because these incidents are often repeating behaviors, not just for individual agency but also for the industry, it is reasonable that steps should have been taken to identify the

fundamental issues and correct them. Issues confronting large metropolitan police organizations may appear unique or unrelated to the performance issues of smaller police organizations, but they are not. A Professional Standards Unit can function for the small agency and the large agency. Scandals sometimes obscure the violation of core values and the dysfunctional processes that enable poor performance. And these can be the same for agencies of differing sizes.

Poor performance and the image that it generates is not always the child of the large organization or the big corruption scandal. More mundane and subtle behaviors have acted to stigmatize smaller organizations. In 1996, it was discovered that a civilian employee of the Torrance, CA, Police Department's Property Section had committed theft of money and property. The ensuing criminal and administrative investigation, in addition to a detailed special audit of the incident, revealed not only theft but also chronic and systemic lack of adherence to department policy. Supervisory and management controls were found to be severely lacking. This was made more damaging by the fact that the department had endured a theft in the Property Section and had conducted an administrative investigation approximately eight years prior. Professional Standards Units act as de facto image consultants by constantly questioning the agency's conformance to standards and, occasionally, the standards themselves.

Images of police are images that stay with us for a long time. Current images continue to mold the public's appraisal of police professional standards. On 29 August 2000, the Los Angeles Times ran this headline: "Judge O.K.s Use of Racketeering Law in Rampart Suits." United States District Court Judge William J. Rea, appointed by President Ronald Reagan, ruled that federal Racketeer Influenced and Corrupt Organizations statutes (R.I.C.O.) could be used to sue the Los Angeles Police Department. These suits may be brought by people who claim

members of that department's Rampart Division violated their civil rights. In order for the department to be sued under these statutes, the department must meet a critical, judicial standard. It must be defined as "a criminal enterprise that effects interstate commerce and uses illegal means to further its ends."

By ruling that the Los Angeles Police Department may be sued under R.I.C.O. provisions, the court also enabled litigants to receive three times the amount of damages should they prevail. The estimated damages from the scandal are in excess of \$100 million dollars before the ruling. If strong enough, the image generated from the performance forms the real department standard in the eyes of the public.

Intended or unintended, images often replace reality as the public's medium for judging the things that impact their lives. The image of police has had just such an impact. A Professional Standards Unit, properly directed, staffed and aligned, can proscribe the behaviors that limit effectiveness and efficiency. The unit can also act to prescribe the changes or adaptations that the agency can make to improve service delivery and mitigate the impact of the occasional dysfunction that characterizes organizational life. A Professional Standards Unit is engaged in constant activism, questioning of the organization and its core strategies. In effect, the agency custom orders its own criticism and acts to correct problems before it is ordered to do so.

Implementation Issues and Benefits

Professional Standards Units should shape performance and identify those domains that are incongruent with agency and industry standards, can be improved or changed to meet new organizational challenges or just don't exist within the current organizational structure, but need

to exist. The Professional Standards Unit, outside of its specific work, produces specific outcomes:

- Establishes continuous review of performance as an agency value
- Incorporates non-police procedures and practices into the agency culture by utilizing a best practices approach to improvement
- Trains agency personnel in audit procedure and intent, thus enabling other units within the agency to approach their work in a more comprehensive manner
- Explores contemporary themes and behaviors within the industry to assist with strategic planning
- Measures current performance against agency and industry standards
- Identifies potential snail darters, or troublemakers, so that implementation of key programs and objectives may be done more effectively
- Provides direction to staff on critical mass issues to facilitate positive outcomes or preclude negative incidents
- Builds trust and credibility with external stakeholders by exhibiting agency awareness for the need to measure performance and the larger public's right to expect it

The Professional Standards Unit is used to breed internal discipline by measuring agency performance against standards and assisting in establishing new standards if necessary. It is also the means by which the agency can validate its level of management competence by comparing itself against best practices and using the comparison to improve services and operations. This aspect could pose conflicts for some agencies. Police agencies often see their work as singular and apart from the demands and critiques of the private sector. In a book entitled The Character of the Corporation, the authors profile four types of corporate cultures and their attributes.

Among those types, they identify an organizational culture that has excessive amounts of solidarity and is negatively communal. This type seems to define elements in the current state of police culture:

Neglect the competition and educate the customer.... Its products are so good that the company is unassailable. No company can beat them, so why bother looking for customers? And customers that don't like the product are in a word, wrong. The product shouldn't change, goes the thinking, the customer must be educated.

In other words, a certain kind of communality can spawn smugness and often complacency.... widely accepted notions about the competitive environment or the “right” way to do things get ossified.

If that quotation strikes home or at least raises awareness, implementing a Professional Standards Unit would be a natural and cost effective means of addressing these facets of institutional character and culture.

Strategic analysis helps the organization explore the dimensions of its character, culture and performance standards in order to implement a Professional Standards Unit. One of the hardest things for any organization to do is gauge the level of its own performance. There is ample literature on the police mindset when it comes to outside input and evaluation. For those reasons and many others, the need for implementing a Professional Standards Unit and a measuring its impact presents a challenge. In order to develop such a unit, it is necessary to gauge the existing characteristics of the organization. Like any journey, you need a starting point and a destination in order to prepare. There are several viable means to assess the strengths and weaknesses of the organization. A “WOTS UP” (Weaknesses, Opportunities, Threats, Strength Underlying Planning) analysis model can surface these elements. Several standard attributes relevant to implementation have been identified based on a literature search and the author’s experience administering such a unit in a medium size (250 sworn) agency.

Strengths

- Low start up costs. The position exists so training is the only real up front cost
- The agency can focus on immediate problems
- Some research is available through the Internal Affairs investigation
- By going through the chain of command, independence that may cause conflict is mitigated
- Audit topics are identified through the Internal Affairs process making criticism of the topic difficult for agency members

Weaknesses

- Immediate problem solving is short term and may obscure the analysis of process and structure that may cause the problem to reoccur
- Research by Internal Affairs may be incomplete or limited to the task at hand
- Internal auditing requires independence to build credibility
- It is easy to get distracted by other job requirements, making auditing the administrative equivalent to a SWAT callout
- Improving organizational performance could be viewed as only a reactive behavior. The message then is: We do it when we get in trouble

Analysis of these issues and others presented within Threats and Opportunities allows the agency to plan for success and avoid the bureaucratic wrangling that often impedes or derails change movements. Implementing a Professional Standards Unit can educate agency members that process and structure are often the hidden factors in poor performance but are also more easily adjusted ways to effect performance. The unit must be viewed as an essential organizational function, not a euphemism for break glass in case of war. If the unit is seen as a special tool and its mission is not part of the daily conversation within the department, it is easier to look at auditing and performance measurement as a reactive behavior only.

Once a Professional Standards Unit becomes part of the agency's culture and there are tangible, positive outcomes from recommendations, elevated levels of analysis during management meetings and an increased willingness on the part of the department to examine the mission of the department should be a logical by product. Implementation should also provide a level of insulation for the department and the city when faced with lawsuits and claims relating to performance standards. Managers and supervisors will be exposed to the elements of an audit as the audits are published and discussed. As a result, they should adopt some of the methods to measure performance within their work groups. A Professional Standards Unit will focus the department on improvement as a necessity and not an option.

A Professional Standards Unit will be a strategic and cultural departure for most agencies even though the idea of inspections isn't an alien one. It has been part of the fabric of policing for many years. The general theme of auditing, where actual performance is contrasted with the stated rules, policies or procedures of an agency, is a day to day function found in report reviews, Internal Affairs investigations and court room testimony. As each of these performance elements provide the agency with a barometer of how well they are meeting the basic issues, A Professional Standards Unit expands the concept to include processes and policies that provide direction for the basic elements of the job.

Resources

In order to implement a Professional Standards Unit, the agency must assess internal resources and provide an environment for success. The agency must identify an employee of manager rank who possesses requisite skills to conduct audits. There are several characteristics of a good Audit Manager. Among them are the abilities to see connections between work and process; organize and delegate work; write clearly and directly; interview and listen to fellow employees; read between the lines when asking questions; and have credibility within the organization. This last characteristic is essential.

The Audit Manager must have an independent office to conduct interviews and work on audit documents. Many audits contain sensitive one on one interviews with employees or other stakeholders. These interviews can be stressful to the employee even though the Audit Manager or his designee is fact finding only. Audits occasionally reflect poorly on supervision and management. Commenting on this may be inherently stressful for the employee that is being interviewed. The privacy of the office can make the interview more thorough and meaningful to

the audit. The written document is a confidential resource for the Chief of Police or Chief Executive and is only shared with his/her permission. It is important that working drafts and resource material be controlled. A private office helps this aspect.

The Audit Manager must have Internet access in order to do the research that many audits require. Statistical data is often an important element in benchmarking and obtaining best practices. It can be obtained through the numerous sites available on the World Wide Web. In order to conduct audits, the Audit Manager must often visit other departments or organizations that have data relevant to the audit. Since audits also include work place design and an examination of the environment, a vehicle is also essential.

Although there is little formal training within law enforcement on auditing, there are opportunities through extension classes and books on auditing. The position's budget should include training funds as well as the materials and supplies necessary to insure that the agency views the Professional Standards Unit as a formal part of the organization.

The degree to which the agency visibly supports the position will greatly enhance the manner in which the position is viewed. Resource allocation is often the internal smoke signal agency members read to see what is important. The Audit Manager must be provided resources commensurate with other agency units in order to establish the credibility of the unit and the agency's intent. The Professional Standards Unit is about the future of the agency. In order to assist in making the Professional Standards Unit a recognized and respected part of the organization, the following steps should be considered:

Share Ownership

A Professional Standards Unit must be viewed as the property of the key players. Because it can, just by its presence, exert pressure and stress on the organization, it has to be sold and its outcomes publicized if possible. This may mean allowing media access to non-sensitive results. The media can play a significant role in the success of the unit. Publicizing agency successes that result from recommendations is a good approach.

Share Outcomes

Most agencies share many fundamental similarities. These basic attributes are often used by Audit Teams in researching performance benchmarks or examining reportable comparisons (agencies that are similar in size, demographics and general mission). Sharing outcomes with concerned parties inside and outside the organization builds support for the program. Internal stakeholders have to see results and benefits. Outside agencies can be helpful by acknowledging the nexus between the agency's results and their own issues.

Support Recommendations

Once an Audit Team has made recommendations and the Chief of Police accepts them, an implementation schedule must be developed. It must be made clear to department managers and supervisors that the only way to measure the success of the Professional Standards Unit is to measure the change in the performance of the unit that was audited. This often is not complex nor does it require a great deal of time and resources. Managers and supervisors who fail to implement recommendations must be dealt with as anyone who fails to follow policy.

Program Evaluation

In order to measure the impact of a Professional Standards Unit, it is necessary to develop feedback mechanisms and a means to monitor the outcomes of the audits. Since the objects of a Professional Standards Unit are varied and the depth and scope of an audit are driven by the topic, a flexible approach that uses objective measurements and subjective feedback should be adopted. The objective measurements may include changes in productivity, sick time, personnel complaints, employee retention, reassignment requests, employment applications, and media coverage.

Another important feedback mechanism is the relationship the Audit Manager has with the agency head. The Audit Manager must have agency credibility and feel free to report a lack of cooperation or any other issues that impact the unit. Employee surveys are also an important dimension in measuring results. A survey of affected employees can be done to identify the thoroughness of the audit and the manner in which it audit was conducted. For example, the Torrance Police Department recently completed an audit of the Detective Division that included comparing workloads with other departments, divisional structure, interviews with all divisional employees and an examination of the work environment. A survey of divisional employees was designed. It attempted to measure employee's thoughts about the current work environment, the degree to which they feel a part of change, the adequacy of the audit questions, the scope of the audit, and their suggestions for improvement.

In order for the Professional Standard Unit to work effectively, the results of an audit cannot be secret. Results and recommendations should be published in general form to keep the agency aware of the unit and the benefits that accrue from its presence. The Professional Standards Unit is intended to improve the agency. Like all other agency functions, it too can be

improved if there is a need based on feedback from affected parties. There are as many approaches to audits as there are many types of audits. An agency should feel free to experiment and change the approach as necessary. There is a saying that all good tactics are flexible. All good processes should adopt the spirit of that saying. The Professional Standards Unit should have feedback mechanisms in place to provide guidance in serving the department.

Conclusions

Highly publicized scandals that have made law enforcement the focus of the media are the surface of the problem. A closer look invariably reveals a lack of adherence to standards, comparatively low standards or non-existent standards. They also reveal a lack of internal curiosity or interest in how the agency performs against best practices. Invariably, successful organizations of any type are constant learners who have acknowledged that the best way to avoid bad things is to plan for good things. Regardless of size and location, the public should expect their agency to have the latest and most effective approaches to policing. If given the choice, few people would take their family to a physician who did not maintain contemporary knowledge in his or her specialty. Competence is closely related to relevance. The public deserves an agency that is committed to examining all aspects of their performance.

It is important that law enforcement agencies adopt the idea of a Professional Standards Unit and implement a systematic auditing schedule of their agencies within the next five years. To make this unit a reality and a valued, organizational tool, the following direction is recommended:

- The agency should establish a Professional Standards Unit as a formal part of the organization.
- The unit should report directly to the Chief of Police and conduct a variety of audits, both special and general, based upon agency need.

- The Professional Standards Unit should be staffed and supported in relation to its importance for the agency's future
- Agency managers and supervisors should be exposed to audit training and the philosophy behind internal auditing
- The Audit Manager should be rotated into other assignments in accordance with agency protocol to avoid burnout
- Recommendations agreed to should be implemented according to a schedule

Measuring what we do and comparing what we do to a standard is a commonly understood behavior. It is part of law enforcement's collective consciousness. Law enforcement has the opportunity to initiate internal measurements that provide feedback on how a department is doing according to basic industry standards. It also has the opportunity to expand the idea of industry standards by introducing concepts and comparative behavior from outside the scope of law enforcement.

Law enforcement's mission, to create safe communities, is contingent on constant awareness of the many factors that impact that mission. The philosopher Eric Hoffer said " In times of drastic change, it is the learners who will inherit the earth, while the learned will find themselves ill equipped to live in the world now at their doorstep." Law enforcement's developing future reveals an industry that needs to reflect on Hoffer's distinction between the learned and the learner. While many of the standards in law enforcement are unique, they aren't so unique that they escape comparison to standards in any well-run organization.

An agency with Professional Standards Unit is consistent with an agency that seeks to have as much impact on their future as possible. It is consistent with a business that is looked upon as critical to the community's well being. It is consistent with a business that believes that good tactics are flexible tactics.

Agencies that implement Professional Standards Units have the opportunity to make their environment adaptable where it needs to be and rigid where it must be. Employees will develop

a sense of risk taking that is not about physical behavior, but about risking to conceive of better ways to deliver service and prevent problems that leave scars on the agency culture.

NOTES

1. Leo Tolstoy, Anna Karenina, translated by Constance Bennett, (New York: Bobbs-Merrill, 1978), p.1.
2. Peter F. Senge, The Fifth Discipline: The Art and Practice of the Learning Organization, (New York: Currency Doubleday, 1990), p. xiv.
3. City of Los Angeles Police Department, Board of Inquiry into the Rampart Corruption Incident, (City of Los Angeles Police Department, 2000), p.108-109.
4. Ronald D. Sylvia, Kathleen M. Sylvia, Elizabeth Gunn, Program Planning and Evaluation for the Public Manager, 2nd Edition, (Prospect Heights Illinois: Waveland Press, 1997), p.174.
5. Warren Bennis and Burt Nanus, Leaders, (Harper and Row Publishers,1985),p.11
6. Peter F. Drucker, The New Realities: In Government and Politics, In Economics and Business, In Society and World View, (New York: Harper Business, 1985) p. 100.
7. City of Torrance, CA. Police Department, Special Audit of the Property Section, unpublished,1996.
8. Ibid.
9. Henry Weinstein,"Judge O.K.s Use of Racketeering Laws in Rampart Suits", The Los Angeles Times, (August 29, 2000).
10. Ibid.
11. Ibid.
12. Rob Goffee and Gareth Jones, The Character of a Corporation: How Your Companies Culture Can Make or Break Your Business, (New York: Harper Business 1998) p.164-165.
13. City of Torrance, CA. Police Department, Special Audit of the Detective Division, unpublished, September, 2000.

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